

ENTERED

February 28, 2019

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ANTHONIA NWAORIE, on
behalf of herself and all
others similarly situated.

Plaintiff,

V.

U.S. CUSTOMS AND BORDER
PROTECTION, et al.,

Defendants.

S

CIVIL ACTION NO. H-18-1406

ORDER

On February 28, 2019, the court heard arguments on the pending objections to the court's December 18, 2018, Memorandum and Recommendation (Doc. 39). During the hearing, the parties agreed that Defendants will withdraw their Motion to Dismiss (Doc. 26) and will file an amended motion to dismiss by March 22, 2019. The parties also agreed that Plaintiff will withdraw her Motion for Rule 23(b)(2) Class Certification (Doc. 2) based on the agreement between the parties that when she refiles that motion, the new motion will relate back to the original May 3, 2018 filing date.

Both motions are hereby **WITHDRAWN** and it is **STIPULATED** that when Plaintiff refiles her motion for class certification, it will be deemed to have been filed on May 3, 2018.

The court's December 18, 2018, Memorandum and Recommendation addresses both motions. The parties stated that they have no objection to the court's withdrawal of its memorandum.

Accordingly, the court **WITHDRAWS** its memorandum and recommendation.

SIGNED in Houston, Texas, this 28th day of February, 2019.



U.S. MAGISTRATE JUDGE